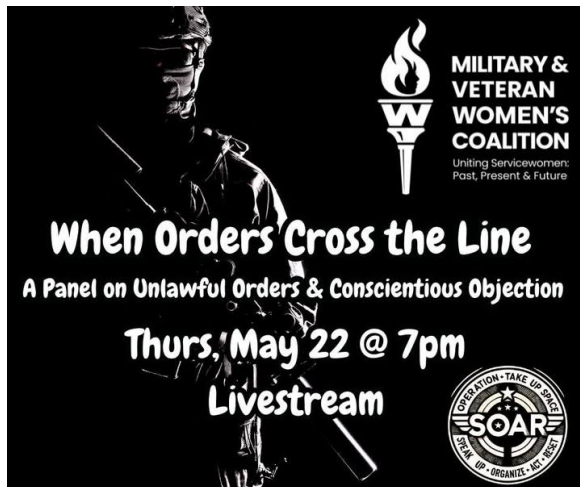


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## **WHEN ORDERS CROSS THE LINE: A PANEL ON UNLAWFUL ORDERS & CONSCIENTIOUS OBJECTION**

**Thurs, May 22, 7pm EST**

**Livestream on Facebook page for Military & Veteran Women's Coalition**

*MLTF member James M. Branum will be part of the panel.*

See page 18 for more info.

## MLTF RESPONSE TO SUPREME COURT RULING ON TRANSGENDER SERVICE

On Tuesday, May 6, the Supreme Court weighed in on the issue of transgender military service. Its unsigned opinion [reversed a pair of nationwide injunctions against the trans ban](#) and allowing the Pentagon to proceed with implementing President Trump's executive orders on the issue—even before the outcome of the cases that prompted the injunctions, [Talbot v. U.S.](#) and [Shilling v. U.S.](#)

MLTF [welcomed](#) the injunction in *Talbot* by Judge Ana Reyes, who called the government's arguments "soaked in animus and dripping with pretext." We also welcomed Judge Benjamin Settle's opinion in *Shilling*, which noticed the plaintiff would be "promptly discharged solely because she is transgender" and concluded, "This is the rare case that warrants a nationwide injunction."

But the Trump Administration responded to both injunctions with a request for this emergency ruling from the Court; once the opinion was issued, DOD followed up with [yet another memo](#), to implement its "Guidance on Prioritizing Military Excellence and Readiness" issued in February and March—all of it following Trump's January 27 Executive Order 14183, [Prioritizing Military Excellence and Readiness – The White House](#). That Order, which specifically revoked President Biden's previous order allowing transgender servicemembers to serve openly, is filled with hateful and insulting language: "Beyond the hormonal and surgical medical interventions involved, adoption of a gender identity inconsistent with an individual's sex conflicts with a soldier's commitment to an honorable, truthful, and disciplined lifestyle, even in one's personal life." The animus Reyes mentioned is quite clear. This week's memo is no different. As Natasha Lennard writes in *The Intercept*, "Anti-trans animus is all there is: The government has made no effort to show that trans service members have been detrimental to military objectives, discipline, and cohesion — because it's a lie."

The new memo [sets a June 6 deadline](#) for active-duty servicemembers to "self-identify for voluntary separation" if they "have a current diagnosis or history of, or exhibit symptoms consistent with, gender dysphoria," after which may also be eligible for voluntary separation pay." Reservists have until July 7 to self-identify. After that, DoD "will initiate involuntary separation processes." Even more worrisome, Associated Press reports that "the Defense Department will begin going through medical records to identify others who haven't come forward."

MLTF joins those decrying the Court's opinion, while rolling up our sleeves to support those affected by it—whether it's enlisted personnel facing an administrative separation board or officers before a Board of Inquiry. MLTF director Kathy Gilberd notes that "Those who can handle the incredible stress of fighting the discharge can demand the right to the discharge board hearing 'guaranteed' under the Hegseth memo. They will have some time, though not a huge amount, to make a record for further litigation or simply to show the world the quality of their service." Troops and their counsel might [look at MLTF's library](#) as a place to start.

Whether servicemembers are fighting discharge or trying to navigate the best possible exit, the Task Force pledges to connect them with counsel and other resources. And we'll keep working toward the day when none of this is necessary.

# WITH SCOTUS' HELP, PRESIDENT TRUMP RESTORES MILITARY TRANSGENDER BAN

By Jeff Lake

In the Spring 2021 issue of On Watch, I wrote about how the ban on military service by transgender people had been lifted by Executive Order. One year ago, in the Spring 2024 issue of On Watch, Shiloh Emelein and Siri Margerin wrote about Transgender Inclusivity in the Military. The article concluded, "And though trans people are allowed to openly join the ranks today, that may or may not be true tomorrow."

On January 27, 2025, President Trump issued Executive Order 14183 entitled "[Prioritizing Military Excellence and Readiness](#)." This Order specifically revoked President Biden's previous order allowing transgender servicemembers to serve openly. Trump's Order is filled with hateful and insulting language. For example, it states, "Beyond the hormonal and surgical medical interventions involved, adoption of a gender identity inconsistent with an individual's sex conflicts with a soldier's commitment to an honorable, truthful, and disciplined lifestyle, even in one's personal life. A man's assertion that he is a woman, and his requirement that others honor this falsehood, is inconsistent with the humility and selflessness required of a service member."

The Order goes on to state that within 30 days the Secretary of Defense shall "identify all additional steps and issue guidance necessary to fully implement this order." On February 26, 2025, the Secretary issued a [Memorandum](#) pursuant to the Executive Order. The Memorandum states that, "Military service by Service members and applicants for military service who have a current diagnosis or history of, or exhibit symptoms consistent with, gender dysphoria is incompatible with military service." This ban applies to all now serving whom the military believes fit this definition, with very limited exceptions. It also applies to those accepted to a Military Service Academy or the Senior Reserve Officers' Training Corps. (see end of this article for 5/15/25 memo).

Section 4.4 of the Memorandum addresses separation. Servicemembers can separate voluntarily and receive twice the amount of separation pay they would get if they separated involuntarily. All who are enlisted servicemembers

## Editors Note about changing military policies on DEI, sexual assault, and who knows what else

*As we get ready to go to press, the Department of Defense has ordered the Service Secretaries to revise their regulations on Military Equal Opportunity and similar regs for civilian equal opportunity complaints, reporting back to DoD in six weeks. The governing DoD Instruction is likely to change as well. Earlier, plans were announced to change military sexual assault policy, though these changes were originally focused on "woke" language and on sexual assault prevention training programs. Attempts at serious changes to this policy seem to have been rolled back for now. It also appears that DACOWITS, the Defense Advisory Committee on Women in the Services, is one of the advisory committees to be shut down -- a great shame, as DACOWITS has brought attention to many problems facing military women, including ground-breaking recommendations to DoD about sexual harassment and sexual assault.*

*It will be some weeks before we see new language for the regulations, and the effects of other policy changes, but we will report on and analyze these in the next issue of On Watch. Readers who would like to help monitor and assess these changes to policies protecting servicemembers are encouraged to join us in the effort. You can do so by contacting Kathleen Gilberd at [kathleengilberd@aol.com](mailto:kathleengilberd@aol.com)*

who want to challenge their separation will be afforded an administrative separation board. Officers will be afforded a Board of Inquiry. Servicemembers with over 18 but less than 20 years of total active duty service are eligible for early retirement. Those choosing voluntary separation will not have to repay any bonuses received. Those being involuntarily separated may have their bonuses recouped by the military.

The Executive Order was immediately challenged in court. On January 28, 2025, one day after the Order was issued, GLAD Law and the National Center for Lesbian Rights (NCLR) filed a Complaint for Declaratory and Injunctive Relief in the U.S. District Court for the District of Columbia. (Civil Action No. 25-cv-00240 (ACR).) There are currently 32 plaintiffs. Some are active-duty servicemembers, one is in basic training and others are in the process of enlisting. The court noted that, "Collectively, the active-duty Plaintiffs have served in the U.S. military honorably and with distinction for over 130 years."

After extensive testimony and hearings, Judge Ana Reyes issued a Memorandum Opinion on March 18, 2025. Judge Reyes stated, "The law does not demand that the Court rubber-stamp illogical judgments based on conjecture." She then methodically refuted all of the claims raised by the defendants, finding them unsupported or contradicted by the evidence and "soaked in animus and dripping with pretext." For example, she pointed out that the Department of Defense spends approximately \$41 million dollars per year on Viagra compared to an estimated \$5.2 million for gender affirming care. Judge Reyes concluded, "Defendants do not explain why the former (and every other medical cost) is acceptable while the latter requires banning transgender persons from military service."

The court found the Executive Order and the subsequent policy implementing the order to be unconstitutional. She issued a preliminary nationwide injunction, the effect of which "is to maintain the *status quo* of military policy regarding transgender service that existed immediately before Donald J. Trump issued Executive Order 14183." This order is now on appeal.

Separately, Lambda Legal and Human Rights Campaign filed a lawsuit on February 6, 2025 in Federal Court in Seattle on behalf of Emily Shilling and seven other transgender servicemembers and the Gender Justice League seeking declaratory and injunctive relief. (Case No. 25-cv-00241-BHS.) On March 27, 2025, the District Court issued a Memorandum Opinion granting an injunction against implementation of the Order. Referencing the language of the Executive Order, Judge Benjamin Settle noted, "There is no claim and no evidence that Shilling herself is dishonest or selfish, or that she lacks humility or integrity. Yet absent an injunction, she will be promptly discharged solely because she is transgender." He went on to state, "This is the rare case that warrants a nationwide injunction." This order is also now on appeal.

Two transgender male servicemembers have filed suit in the U.S. District Court for the District of New Jersey for a Temporary Restraining Order preventing the military from instituting involuntary separation proceedings against them. (Case No. 25-cv-01918.) On March 24, 2025, Judge Christine O'Hearn granted the Motion.

The Trump Administration filed an application for a stay with the Supreme Court. Despite Judge Settle's observation about the need for an injunction, on May 6, 2025, the Supreme Court issued an unsigned Order granting a stay. This means that the military can implement its ban on military service by transgender people. Lambda Legal issued this statement:

“Today’s Supreme Court ruling is a devastating blow to transgender servicemembers who have demonstrated their capabilities and commitment to our nation’s defense. By allowing this discriminatory ban to take effect while our challenge continues, the Court has temporarily sanctioned a policy that has nothing to do with military readiness and everything to do with prejudice. Transgender individuals meet the same standards and demonstrate the same values as all who serve. We remain steadfast in our belief that this ban violates constitutional guarantees of equal protection and will ultimately be struck down.”

Wasting no time, on May 8, 2025, the Secretary of Defense issued a memo reaffirming his previous memos outlining the process of discharging affected servicemembers. The window to “self-identify for voluntary separation” is now June 6, 2025 for active-duty members and July 7, 2025 for reservists. After these dates, the military “will initiate involuntary separation processes.”

On May 15, 2025, the DoD issued [another memorandum regarding transgender discharges](#). This memorandum contradicts the previous memorandum discussed above. As On Watch goes to press, the current policy is to discharge enlisted transgender servicemembers "under Secretarial Plenary Authority" and officers "on the basis that their continued service is not clearly consistent with the interests of national security . . ." Obviously, the discharge process will be chaotic and unpredictable.

The MLTF plans to assist those affected by this policy. The Task Force website is a useful resource for information on discharges. And, as always, the MLTF will continue to follow developments in this area and report on them in future issues of On Watch. Please continue your membership or subscription to get up to date information.

# TRUMP 2.0: ERASING JUSTICE AT DOD

By Chris Lombardi

At an April cabinet meeting, Secretary of Defense Pete Hegseth told his Commander-in Chief that DOD had eliminated 99.9 percent of all its DEI (diversity, equity and inclusion) initiatives. “And I’m going to get that last point.”<sup>1</sup>

Hegseth was referring to one of President Trump’s earliest executive orders, titled “[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#).” At press time, 120 days after that order, which rescinded the affirmative action and nondiscrimination requirements of earlier EOs and set off a cascade of compliance throughout the government, the Pentagon has renounced its already-cursory efforts to make the military more welcoming to women and BIPOC Americans. [CNN points out](#) that African-Americans make up [19%](#) of active-duty military enlistments, and [women make up roughly 17%](#).<sup>2</sup> *On Watch* has long reported on the military’s failure to address the needs of its most marginalized troops; now, the Pentagon under Hegseth is trying to turn back time—to a mythical place that bears no resemblance to today’s military.

## IN THE BEGINNING WAS TRUMP’S WORD

Less than a week after he told [the entire federal government](#) to place all DEI staffers on paid leave and clear all public web pages of terms references to DEI, Trump [signed Executive Order 14185, "Restoring America's Fighting Force,"](#) which required the Secretaries of Defense and the Secretary of Homeland Security to abolish every DEI office within their departments.<sup>3</sup> Hegseth followed up by ordering a “content refresh” on all public-facing Web content, demanding that staff “remove and archive DoD news articles, photos, and videos promoting Diversity, Equity, and Inclusion (DEI), including content related to critical race theory, gender ideology, and identity-based programs.”<sup>4</sup>

As has been widely reported, those orders led to the digital erasure of icons like Harriet Tubman and Jackie Robinson from DoD web sites, reversed after a public uproar. They also led to changes, in policy and personnel, with a real impact on the lives of the servicemembers and veterans MLTF serves.

Early on, Hegseth [told the press](#) that troops hated DEI; that earlier, “quotas were being met or different aspects had to be — boxes had to be checked. Not anymore.”<sup>5</sup> That word “quota,” a familiar racist dog-whistle, signaled that Hegseth wasn’t just talking about gender, but race.

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<sup>1</sup> Diana Stacy, “Hegseth quips '99.9%' of DEI initiatives are gone from the military under Trump’s watch.” Fox News, April 10, 2025.

<sup>2</sup> Nicquel Terry Ellis, “Veterans say Pentagon’s anti-DEI overhaul could hurt recruitment efforts with minority groups.” CNN, March 27, 2025

<sup>3</sup> Konstantin Toropin and Steve Beynon, “Military Effort to Scrub Diversity Programs Leads to Dead Websites and Confusion.” Military.com, January 28, 2025

<sup>4</sup> Assistant Secretary of Defense Memorandum, February 26, 2025.

<sup>5</sup> Transcript, “Secretary of Defense Pete Hegseth Holds Media Availability in Honolulu, Hawaii.” Defense.gov, March 25, 2025

As I wrote in *On Watch* three years ago, today's officially color-blind military was born with the inherent paradox that racism's disparate power structures can't be wiped out by presidential signature (Truman's desegregation order). Even then, Defense's "color-blind" military came with accompanying task forces and training materials; the 2021 NDAA created a Deputy Inspector General for Diversity, Inclusion and Extremism in the Military, and former president Joseph Biden established the short-lived Countering Extremism Task Force. Meanwhile, the military tried to address its history of sexism and gender oppression, opening up combat specialties to women and creating entire bureaucracies to address sexual harassment and assault.

All of which sounds quaint now, after Trump's initial EOs were accompanied by his pardon of those convicted of crimes committed during the January 6, 2021 white-supremacist assault on the U.S. Capitol. The attack on DEI aims to reverse not only those decades of progress, but everything which followed the U.S. Civil War—to go back not to 1940 but to 1855.

## RESTORING THE UNJUST ORDER

*"Who controls the past controls the future. Who controls the present controls the past."* Those words from George Orwell's 1984 crossed my mind frequently as I looked at the results of Hegseth's "Digital Content Refresh." So did the title of a new book by Jason Stanley, [\*Erasing History: How Fascists Rewrite the Past to Control the Future\*](#). Stanley, a Yale professor whose books include "How Propaganda Works" and "The Politics of Language," writes that authoritarian rulers often aim first at their countries' culture and education systems, to shift the sense of what's acceptable. That aim went sharply, in 2025, to the culture under federal control: the Web sites of the U.S. government.

Hegseth's Web team, armed with his list of criteria, created a set of macros [that tagged 26,000 images](#) to be deleted. Those 26K images swept up quite a few war heroes of color, as well as deleted pictures of the Enola Gay—not for the shameful fact that the B-29 aircraft dropped the atom bomb on Hiroshima, but for its name.

As MSNBC notes, "Since Trump has taken office, we've seen the Air Force [temporarily remove a training video about the heroic Tuskegee Airmen](#), we've seen [the Department of Defense disparagingly add the letters DEI](#) to the URL of a webpage celebrating [Army Maj. Gen. Charles Gavin Rogers' Medal of Honor](#) and temporarily remove the page celebrating Jackie Robinson's service as a second lieutenant in the Army."



According [to the New York Times](#), “[Segments of data sets](#) are [gone](#), some of the [experts who produced them](#) were dismissed, and many [mentions of words](#) like ‘Black,’ ‘women’ and ‘discrimination’ have evaporated.” Also deleted: a [Justice Department database](#) tracking criminal charges and convictions linked to the Jan. 6, 2021, attack.

Inside the Pentagon, those tasked with implementing the change were stressed. “Over the last four duty days, my team has spent 35 hours removing 374 pieces of content related to Diversity, Equity, and Inclusion from our platforms in compliance with the President’s recent executive order,” wrote Air Force PAO Hunter Rininger in a March post on LinkedIn. “Removing such a large volume of content, much of which showcases the powerful contributions of our Airmen—narratives of overcoming barriers, cultural celebrations, and historic achievements—was incredibly difficult.”. [That stress showed in the Army Corps of Engineers, Kansas City](#), where civilian social-media specialist Cynthia Clark balked at Navy “guidance” about now-banned words and concepts. “After that, I was like ‘I’m not doing this. I can’t – I can’t do this with a clear heart,’” Clark told the *Kansas City Star*.<sup>6</sup> The changes they implemented were felt almost immediately.

In addition to high-profile occasions like the removal of Colin Powell and Harriet Tubman, DOD deleted all pages featuring [gay icon Bea Arthur](#) (star of “Maude”), who joined the Marines in 1943 during World War II, just five days after they began recruiting women, and served through the end of the war.

And [veterans noticed](#). Retired Lt. Col. Jennifer Cannon, a former F-15E Strike Eagle weapons systems officer, wrote on LinkedIn soon after Rininger’s post: “This morning, I discovered that USCENTCOM’s story about my journey reaching 1,000 combat hours in the F-15E was removed during a recent purge of DEI history. Interestingly, my story didn’t focus on DEI,” Cannon wrote, not realizing that her gender had been enough to activate the ax.

In a less virtual sector, Hegseth commenced personnel changes. In addition to placing all staff of DEI programs on immediate leave, in his first week came the long-expected dismissal of Gen. CQ Brown, chairman of the Joint Chiefs of Staff, and [Adm. Lisa Franchetti](#), chief of naval operations. Less expected and more immediately impactful: Hegseth also canned the top JAGs of the Army, Navy, and Air Force. Each week since, it seems bring news of more of the officer corps leaving service, many (if not most) women and BIPOC. It remains to be seen where belongs [the impending job cut of 61,000](#) of DOD’s civilian workforce.<sup>7</sup>

## AND THEN THEY CAME FOR THE BOOKS

The military’s anti-DEI campaign reached directly to schools and libraries through the DOD Education Activity (DODEA), from the military academies to K-12 schools overseas. As April began, Hegseth issued orders to the academies, demanding the removal of hundreds of books; [Associated Press reported](#) that the U.S. Naval Academy had banned “books on the Holocaust, histories of feminism, civil rights and

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<sup>6</sup> Jonathan Shorman, “Army Corps made veteran in Kansas City scrub agency’s ‘DEI’ content. Then she was fired.” *Kansas City Star*, March 19, 2025

<sup>7</sup> Meghann Myers, “Pentagon to fire up to 61,000 workers, starting with 5,400 next week.” *DefenseOne.com*, February 21, 2025.

racism, and Maya Angelou's famous autobiography and "I Know Why the Caged Bird Sings." ([Those 381 titles](#) banned in Annapolis include Stacey Abrams and Ibram Kendi but not *Mein Kampf*, which remains available.)

At the schools, however, there was pushback: students [staged protests at U.S. bases in Germany](#), and 12 military families—whose kids attend DoDEA schools in Quantico, Virginia; Fort Campbell, Kentucky; Aviano, Italy; and Misawa, Japan -- sued DODEA in the U.S. District Court for the Eastern District of Virginia. [The latter lawsuit](#) argues "that the Defense Department's actions infringe upon the students' First Amendment rights to obtain information, particularly about "their own identities and history."

## IMPACT IN THE RANKS

How is the anti-DEI order manifesting on base?

There have been no changes so far in the military's equal-opportunity complaint system, though transgender personnel have little access to it after the *first* of Trump's initial EOs. (See Jeff Lake's article on page 3 for more on transgender personnel.) As for sexual-harassment and assault, MLTF's Kathleen Gilberd has noticed some changes in [the UCMJ's sexual harassment regs](#)<sup>8</sup>, and in February Sexual Assault Prevention and Response [training was frozen](#) at Navy and Marine Corps facilities. According to *Stars and Stripes*, "The types of training now frozen include lessons focused on the nature of consent and sexual harassment, as well as instructions on how to safely report abuse within the military." Hegseth had earlier declared that SHARP wasn't DEI and was in no danger: members of Congress are asking why that didn't apply to the military's flagship prevention training. "We spent a lot of time at West Point talking about bystanders and how bystanders can intervene and how bystanders can be empowered ... that's what you put at risk when you stop doing the training," Diane Ryan, a retired 29-year U.S. Army officer and former professor at the U.S. Military Academy at West Point, [told the national legal news site NOTUS](#). There are scattered reports from military women of "DEI!" being used as a form of verbal harassment, though so far it hasn't increased in calls to MLTF or the G.I. Rights Hotline.

Nonetheless, none of the above makes for a welcoming environment for the next generation of recruits; Marginalized veterans tell the press that the [anti-DEI push will likely](#) lower the number of possible recruits. Lindsay Church, executive director of [Minority Veterans of America](#), told reporters last month that "People don't want to join a military that is hateful. People don't want to join a military that erases their ancestors. I'm third-generation Navy ... and hell will freeze over before I let my child join the military."<sup>9</sup>

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<sup>8</sup> Bryan Clark (Assistant IG For the Armed Forces, Department of Defense, Harassment Prevention and Response in the Armed Forces (DoDI 1020.03) ·

<sup>9</sup> Ellis, CNN.

# DOGE GETS ACCESS TO SELECTIVE SERVICE REGISTRATION DATABASE

By Edward Hasbrouck

The Selective Service System has confirmed that personnel from the so-called Department of Government Efficiency (DOGE) have arrived at the SSS and have been given access to the SSS database of men registered for a possible military draft.

An SSS spokesperson provided this official response on April 17<sup>th</sup> to questions about DOGE and SSS records:

“A DOGE representative visited our Agency this week. We’ve established a great working relationship. They asked us about our data and requested access, which we gave in compliance with the President’s Executive Order on Establishing and Implementing the Department of Government Efficiency.”

The SSS spokesperson also said that no new computer matching programs involving SSS registration records have been carried out (yet) by DOGE. But it’s not clear whether the SSS would even know what DOGE has done with SSS data, once DOGE has gotten access to it and possibly exfiltrated it. DOGE<sup>1</sup> and the SSS<sup>2</sup> have operated computer matching programs that appear to violate the Computer Matching Act, so there’s little reason to expect that either would provide the required advance notice of new uses of SSS data.

The SSS registration database contains information on all those male U.S. citizens or residents born on or after January 1, 1960 who have registered with the SSS or have been registered by state driver’s license agencies. Compliance is low, many men in these cohorts never registered, and few of the addresses, even for draft-age men, are up to date.<sup>3</sup> But the database is still huge and vulnerable to abuse. Because SSS registration records are so inaccurate and incomplete, matching them against other databases would produce large numbers of mismatches, with unknown consequences.

Data matching is DOGE’s stock-in-trade. A Heritage Foundation project had indicated earlier this year that it wanted SSS registration to be used by the Trump 2.0 Administration as a weapon against immigrants<sup>4</sup>, but it’s not clear if that’s the current DOGE plan or how SSS data might be used or abused by DOGE.

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1 “DOGE, DHS, and data matching”, The Identity Project, April 11, 2025, <<https://papersplease.org/wp/2025/04/11/doge-dhs-and-data-matching/>>.

2 “Data sharing with the Selective Service System”, <<https://hasbrouck.org/draft/FOIA/data-sharing.html>>.

3 “Compliance, noncompliance, and enforcement of Selective Service registration”, <<https://hasbrouck.org/draft/compliance.html>>.

4 “Heritage Foundation project wants to weaponize Selective Service registration against immigrants”, February 1, 2025, <<https://hasbrouck.org/blog/archives/002767.html>>.

That DOGE has now obtained access to SSS data should be a wake-up call to anyone who has trusted SSS assurances as to how information provided to the SSS might be used. Once information is provided to the SSS, registrants have no control as to what new uses might be made of it, even decades later.

Aside from DOGE's arrival at the SSS, there's been no announcement of any plan or policy of the Trump 2.0 Administration with respect to the SSS. But the SSS, under the direction of civil servants carried over from previous administrations, is continuing to plan and prepare for an "on demand" military draft – as it has been doing for decades.

Some of these activities, especially the publication sometime later in 2025 of a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* to update the SSS regulations and contingency plans for a draft, are likely to be misconstrued by those who haven't been keeping score.

It's important for us to recognize, and to get out the word to others who are less familiar with the SSS, that:

Yes, the SSS is preparing for a draft. Yes, this threat is real. The SSS functions as a threat of U.S. aggression, even when a draft isn't activated, and threats of coercion are Trump's stock-in-trade.

No, this isn't something new with Trump 2.0. This has been the status and role of the SSS since 1980.

What, then, has been happening at the SSS - under President Biden and continuing under President Trump - while attention has been focused elsewhere?

The most visible change at the SSS, and the only sign of any directives from President Trump, is the purge from the SSS.gov website of all mention of the possibility of drafting women. Aside from that, the SSS appears to be operating on autopilot until Trump gives it new orders or activates a draft.

The major current projects for the SSS are carry-overs from the Biden Administration: Trying to find enough volunteers to make the system of draft boards look ready for a draft, and the first major update in decades of the SSS regulations for draft registration and for how a draft would operate if activated.

In February and March of 2025, in response to one of my FOIA requests, the SSS released an updated list of all local board and appeal board members, along with – for the first time since 1980 – a list of the county or counties over which each board is assigned jurisdiction.<sup>5</sup>

From March 2021, when the list of draft board members was last released, to March 2025, the number of board members declined from 9,596 to 5,802. When I asked the SSS about the decline in the number of draft board members, they sent me the following official statement:

"The Selective Service reorganized its field offices into regional sites and restructured their lines of effort to ensure the Agency is meeting its mission. The board member program is now under the Operations Readiness Functions division in Aurora, CO (Previously designated as Region 3). As part of this reorganization, this new division purged its board member lists by reaching out to

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<sup>5</sup> See links to lists of boards and board members at <<https://hasbrouck.org/draft/advice/draft-board.html>>.

all of its board members to determine their status. We found that many board members had unfortunately passed away, while others had moved to another location in-state or out of state.”

In other words, the SSS has so little contact with draft board members that “many” had died without the SSS knowing about it. This is just one more sign of the unreadiness for activation of these boards.

Many draft boards have only one or two members (even if those who have been appointed haven’t died or moved), and could not legally make decisions, in the event of a draft, without a quorum of three including a member from each county over which they have jurisdiction.

The Military Selective Service Act (MSSA) requires each draft board to have at least three members and requires a multi-county board to have at least one member from each county it covers. So, if there is no local board member for a county, or less than three for the board that covers a county, there is no board that would be able to hear claims from residents of that county for deferment or exemption in the event of a draft. Presumably, the SSS would rush to appoint and try to train new boards and board members after inductions were ordered, in the heat of whatever war fever had prompted activation of a draft.

When I asked about this problem, the SSS spokesperson told me the SSS is considering asking Congress to change the law to allow the SSS to expand the territory of each board to an entire Congressional district, without regard for county boundaries. By reducing the number of boards in less-populous areas with many small counties, this would address some of the difficulties of recruiting enough draft board members. But this would leave the remaining boards overloaded and even less able to process the flood of claims for deferments and exemptions in the event of activation of a draft, or forced to operate with hurriedly appointed, minimally trained new members.

As of March 2025, there was only one member of the National Appeal Board (NAB), Jane H. Macon of San Antonio, TX. Without a quorum of three members, the NAB would be unable to make decisions on any appeals of claims for deferment or exemption. It’s unclear what would happen to draftees who appealed to the NAB. As with local boards, it seems likely that if a draft is activated, new members of the NAB will be appointed in a rush, with no time for training, in the midst of military mobilization.

The SSS indicated in 2024 that it was working on a comprehensive review and “modernization” of its regulations for registration and the draft. In March 2025, a spokesperson for the SSS told me this project was still “ongoing” and that I should expect an update in April. Neither the target date for the NPRM, nor whether it will propose substantive changes in SSS contingency plans, has been disclosed. The proposed rules will call for close reading and responses during the public comment period.

The MSSA at 50 U.S. Code § 3803 gives the President the authority to activate a draft:

“The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title (said sections) (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.”

But a later section of the MSSA, 50 U.S. Code § 3815, enacted in 1971, sunset this Presidential authority in 1973:

“Notwithstanding any other provisions of this chapter, no person shall be inducted for training and service in the Armed Forces after July 1, 1973, except persons now or hereafter deferred under section 3806 of this chapter after the basis for such deferment ceases to exist.”

Congressional action would thus be needed to reinstate Presidential authority to order inductions, although since the rest of the MSSA and the SSS regulations to implement it remain on the books, Congress would only need to enact a one-sentence bill repealing 50 U.S. Code § 3815(c).

The President would also normally go to Congress for additional funding to administer a draft. But Trump hasn’t shown restraint in reallocating funds, especially for activities that can be justified by claims of “national emergency” or “military necessity.” And the SSS could activate a draft, using funds already appropriated for the year, even if that would burn through its budget long before the end of the fiscal year.

Although it’s a distinct question, the requirement for young men to register with the SSS was ended in 1975 by Presidential Proclamation, not by Congress, and resumed by Presidential Proclamation (still in force) in 1980. The Congressional debate in 1980 was over funding for the resumption of draft registration, not over whether to continue Presidential authority to order young men to register.

Legislation authorizing or appropriating funds for activation of a draft could include instructions as to who would be drafted or how they would be drafted, which might differ from any of the current contingency plans. Nobody — including the SSS itself — can say now, with certainty, what else Congress might include in legislation authorizing a draft.

Descriptions of “How a draft would work” necessarily depend on speculation as to what Congress would do. Congress might find it easiest simply to authorize and appropriate funds for the SSS to activate one or both of its current contingency plans (for a general draft or a draft of health care workers). But some issues — such as whether to rely on the current registration list or some newly-generated list, whether to include women, and what deferments or exemptions to provide — would likely be argued about and decided, unpredictably, by Congress.

Neither potential draftees, draft counselors, nor draft lawyers can be sure that any particular deferment or exemption will be included in whatever Congress authorizes, or what the criteria for any deferment or exemption or for assignment to alternative service as a conscientious objector will be.

Those who are already registered won’t be given the option to cancel their registration if they don’t like the new rules of a new draft. Potential draftees should be cautioned that if they register with the SSS, they are putting their names in the pool not only for a draft under the present standby regulations whenever Congress authorizes and the President orders it, but for whatever draft, on whatever terms, Congress may authorize and the President may order. And now we know that they are also making their information available for whatever use DOGE wants to make of it.

# PROJECT 2025: DEPARTMENT OF DEFENSE CHAPTER HIGHLIGHTS

**By Libby Frank**

I recently read through the Department of Defense section of Project 2025. What follows are some of the highlights.

The report opens with a comment on the nature of war which they warn has become too dependent on technology. From the report: “the most powerful weapon systems will remain the six inches between the ears of our citizens and the strength of their hearts and content of their souls.”

It also points (several times) to China as the biggest threat. It also notes the threat of Russia. It refers to the invasion of Ukraine as “Vladimir Putin’s brutal war in Ukraine” which seems to conflict with Trump’s view.

It notes that weapon sales are way down and recommends ending informal congressional notification of such sales. The review process is not required; it is a practice by which the Department of State provides a preview of prospective arms transfers before Congress is formally notified.

What will be the ramification of this change? Shouldn’t arms sales get Congressional review? What if Trump decides to negotiate a big sale to Russia as a tradeoff for something he wants?

## **DOD PERSONNEL**

It opens the section by talking about how our military makes extraordinary sacrifice which is not appreciated by the American public. Also “Young civilians who would thrive in a military environment are disenfranchised when educators and influencers discourage them from learning about military service and preparing for the honor of wearing America’s uniform.”

### **Rescue Recruitment and Retention**

1. Appoint a Special Assistant to the President who will maintain liaison with Congress, DOD, and all other interested parties on the issue of recruiting and retention. We need to find out who is appointed.
2. Improve recruiting by suspending the use of the recently introduced MHS Genesis system that uses private medical records of potential recruits at Military Entrance Processing Stations (MEPS), creating unnecessary delays and unwarranted rejections.

This is what I found on MHS:

MHS GENESIS is the electronic health record for the Military Health System (MHS). It is the first Department of Defense-wide electronic health record to be used by all military treatment facilities. The system provides a single, common record of medical and dental information, connecting healthcare teams across the DOD, VA, DHS, and private sector providers. By the time that MHS GENESIS is fully implemented throughout all of the DoD, patients will be able to

receive care from any military treatment facility knowing that their health records will follow them.

It seems more likely to me that instead of delays, they're more interested in the "unwarranted" rejections.

3. Improve military recruiters' access to secondary schools and require completion of the Armed Services Vocational Aptitude Battery (ASVAB) — the military entrance examination — by all students in schools that receive federal funding.

By requiring every high school student to take the ASVAB this will not only give the recruiters access to contact information but allows the recruiter to customize their approach. The ASVAB is supposed to be a career evaluation exam. It's supposed to tell the student what they're best suited for. I can see the recruiter using that information to develop a "pitch"; to create a more direct and intentional sales pitch.

4. Encourage Members of Congress to provide time to military recruiters during each townhall session in their congressional districts. Could they be forced to give equal time to peace recruiters?

5. Increase the number of Junior ROTC programs in secondary schools. Currently under 10 U.S.C. §2031, as amended in 2023 (P.L. 118-31 §551), DOD is required to maintain not fewer than 3,400 and not more than 4,000 units.

### **Restore standards**

Expel recruits with gender dysphoria. Make physical fitness requirements consistent with the job. We can assume that means the standards will be lower for a desk job vs a foot soldier.

### **Restore faith in the force**

They note that only 45% have faith in the military; down from 70% in 2018. But the ways they see to restore faith make no sense:

1. Strengthen support for chaplains.
2. Codify language so military officers know that their primary responsibility is building the force; not a social engineering agenda.
3. Reinstate service members who refused to get a COVID vaccine.
4. Eliminate Marxist indoctrination and critical race theory and abolish DEI.
5. Restrict the use of social media.
6. Audit the course content at military academies to remove Marxist indoctrination.
7. Remove policies that allow transgender people to serve.

How do ANY of these things restore American's faith in the military? People's faith has been shaken by the increasing problems with sexual assault, PTSD, on-base violence, etc.



## SELECTIVE SERVICE

The following is from Edward Hasbrouck:

Heritage Foundation project wants to weaponize Selective Service registration against immigrants.

According to an exclusive report by Fox News, the Oversight Project of the Heritage Foundation is filing Freedom Of Information Act (FOIA) requests with the Selective Service System and the Department of Homeland Security (DHS) for records of how many “illegal immigrants” may have violated US law by failing to register with the SSS for a possible future military draft. The FOIA request alleges that, “there is widespread criminal non-compliance by such aliens.”

Failing to register with the Selective Service System is a crime only if it is “knowing and willful,” which it usually isn’t. Most immigrants are unaware, until the question comes up on an application for naturalization, that they are supposed to sign up for a possible U.S. draft even if they aren’t U.S. citizens.

The Project 2025 playbook doesn’t explicitly mention Selective Service registration or the possibility of a military draft. President Biden never appointed a Director of Selective Service, leaving the SSS under an Acting Director throughout his term. President Trump has not yet appointed a Director of the SSS for his second term – leaving the same holdover Acting Director in charge, for now – and has yet to make any statement with respect to Selective Service registration or a possible draft.

## CURRENT TRENDS OF CONSCIENTIOUS OBJECTORS

**By Bill Galvin**

The Center on Conscience & War continues to receive a steady stream of calls from military personnel asking about conscientious objection. Sometimes they come in waves—like the week after the election or the week after the inauguration.

Since shortly after Oct. 7, almost every applicant has cited Israel's war on Gaza as something that pricked their conscience. Some just mention it as one of many factors that affected them. For others, seeing what's happening there is a major part of the evolution of their beliefs, and we have to work with them to ensure their application doesn't come across as objection to that particular war.

We have a disproportionate percentage of Air Force COs, and almost all of them cite the witness of Aaron Bushnell as something that caused them to look at their own complicity in immoral policy. (We sometimes hear that from COs in other branches as well.) In the Air Force, more than a few say they know they are directly supporting Israel's actions by maintaining aircraft that are delivering weapons to Israel, or even loading weapons onto the planes.

We still get calls from those who were changed by their deployment to the Middle East, or cite the destructiveness of Russian attack on Ukraine that caused them to realize the futility of war.

And more recently we've been getting calls from those concerned about what they might be ordered to do because Trump is Commander in Chief. One guardsman said, "I don't want to be separating families. Can I be a conscientious objector?" Another caller said, "I've been in the Navy for 10 years, but I don't think I can do what they want me to do for the next 4 years." Upon further discussion, not all of these folks qualify as COs. But we can still help them get discharged.

There has always been a mix of religious and non-religious COs. The religious COs came from a wide variety of faith traditions, but non-religious COs were the majority. Recently the percentage of religious cases has increased, and they are almost all from the Abrahamic faith traditions, with Christians being the clear majority of those.

We still get the occasional call from a 17-year-old (or their parent) concerned about draft registration and wanting to know how to be a conscientious objector.

## UPCOMING EVENTS

### WHEN ORDERS CROSS THE LINE: CONSCIENTIOUS OBJECTION & UNLAWFUL ORDERS

**Date:** Thursday, May 22nd 7:00 PM EST

**Location:** Livestreamed on the [Military & Veteran Women's Coalition Facebook Page](#)

What happens when following orders means violating your conscience — or the law? Join us for a powerful live panel discussion hosted by the Military & Veterans Women's Coalition that explores what service members can do when they are faced with an unlawful or unethical order.

Hear directly from former service members who became Conscientious Objectors (COs) as they share their personal stories.

Our expert military attorney, James Branum, will break down: What qualifies as an unlawful order What protections CO status provides under military law How to legally and ethically navigate the objection process What due process rights exist for those who refuse to comply

This is a must-watch event for:

- Active duty service members
- Veterans
- Military families
- Advocates and allies concerned with ethics, justice, and accountability in the armed forces

**How to Watch:** Tune in live on Thursday, May 22 at 7pm EST on the Military & Veteran Women's Coalition [Facebook Page](#) — no registration required. Please share this event with your networks. Awareness = protection

The MVWC is a coalition of organizations from across the country whose primary mission is to support Military & Veteran women

### 2025 CONVENTIONS FOR NLG AND GI RIGHTS NETWORK

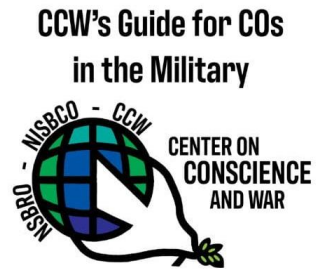
The National Lawyers Guild's next annual convention is scheduled for **September 25 through 28** in Detroit. This is primarily an in-person convention, but with some events available virtually. MLTF has proposed several workshops, will hold its annual membership meeting, and will be presenting resolutions at the convention. Convention information is available on the Guild website, [nlg.org](http://nlg.org). For more information about our Task Force events, contact Kathleen Gilberd at [kathleengilberd@aol.com](mailto:kathleengilberd@aol.com).

The GI Rights Network will hold its annual conference in San Diego (and virtually) from **October 9 to 12**. Agenda information will be available later. Again, for more information, contact Kathleen Gilberd.

## MLTF ANNOUNCEMENTS AND NOTES

### ADVICE FOR CONSCIENTIOUS OBJECTORS IN THE ARMED FORCES

The Center on Conscience and War has published a new guide for COs in the military, [available on their website](#). This is a really helpful overview of CO law and procedures, useful for counselors and attorneys as well as servicemembers considering COs. Donations for the guide are appreciated.



### BOOK RECOMMENDATION

As any reader of On Watch knows, at least if you have read Chris Lombardi's biography snippets, Chris is a published author. The first volume of her anticipated three-volume series of historical novels based on the life of Joan of Arc has just been published. I pre-ordered it, and my copy arrived in the mail today. If you don't know, Chris is a very talented writer -- her prose is fluid and engaging, and her deep knowledge of militarism, especially in its impact on women, triggers a vivid and original imagination that she brings to bear on her subjects. Who will win the St. Joan insight contest, Chris or George Bernard Shaw? My bet is on Chris. You should get a copy, too! [Here's a link to order](#).  
<<https://bookshop.org/p/books/jehanne-darc-book-one/bec06b1a4e3d1c52>>

- Peter Goldberger, Ardmore PA

### ANOTHER BOOK OF INTEREST

Author Howard DeNike passes along the news that [They Also Served: Voices of the Overseas Law Projects from the Vietnam War](#) is now available for order on amazon.com.  
<<https://www.amazon.com/They-Also-Served-Overseas-Projects/dp/BOF6FPBNLS/>>.

## ABOUT THE AUTHORS

**Bill Galvin** is Counseling Director at the Center on Conscience and War where he coordinates and trains military counselors, counsels military personnel, and assists counselors throughout the GI Rights hotline with difficult cases. Bill monitors the Selective Service System, and trains draft counselors. He is on the board of the GI Rights Hotline and he is involved in all aspects of CCW's advocacy for CO rights. Bill is the author of a comprehensive guide for conscientious objectors in the military.

**Libby Frank** is an antiwar activist living in Chicago. She has been involved in counter recruitment activities since the Iraq war. She helped found Northwest Suburban Peace and Education Project and has worked with AFSC's Truth in Recruitment project and the Chicago chapter of Veterans for Peace Demilitarization project. She is a member of the MLTF Steering Committee.

**Kathleen Gilbert** is Executive Director of the Military Law Task Force. She is a legal worker in San Diego, California.

**Edward Hasbrouck** is a legal worker in San Francisco with the Identity Project (PapersPlease.org). He has been a member of the NLG and the MLTF since the early 1980s, when he was an organizer with the National Resistance Committee and co-editor of Resistance News. He publishes a Web site about the draft, draft registration, draft resistance, and the Selective Service System at Resisters.info.

**Jeff Lake** is Chair of the Military Law Task Force. He is an attorney in private practice in San Jose, California.

**Chris Lomardi** is a former staff member with the Central Committee for Conscientious Objectors. She has been writing about war and peace for more than 20 years. Her work has appeared in The Nation, Guernica, the Philadelphia Inquirer, ABA Journal, and at WHYY.org. The author of *I Ain't Marching Anymore: Dissenters, Deserters, and Objectors to America's Wars* (The New Press), she lives in Philadelphia.

## ABOUT THE MILITARY LAW TASK FORCE OF THE NATIONAL LAWYERS GUILD

ON WATCH is published quarterly by the Military Law Task Force of the National Lawyers Guild. Subscriptions are free with MLTF dues (\$40), or \$25 annually for non-members.

We welcome comments, criticism, assistance from Guild members, subscribers and others interested in military, draft or veterans law.

For membership info, see our website, or contact us using the info below.

Each issue is made available to the public on our website approximately one month after distribution to subscribers. A digital archive of back issues of this newsletter can be found on our website. See [nlgmtf.org/onwatch/](http://nlgmtf.org/onwatch/).

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*The National Lawyers Guild's Military Law Task Force includes attorneys, legal workers, law students and "barracks lawyers" interested in draft, military and veterans issues. The Task Force publishes On Watch as well as a range of legal memoranda and other educational material; maintains a listserv for discussion among its members and a website for members, others in the legal community and the public; sponsors seminars and workshops on military law; and provides support for members on individual cases and projects.*

*The MLTF defends the rights of servicemembers in the United States and overseas. It supports dissent, anti-war efforts and resistance within the military, offering legal and political assistance to those who challenge oppressive military policies. Like its parent organization, the NLG, it is committed to the precept that human rights are more sacred than property interests.*

*To join, or for more information, contact us by email or phone, or visit our website or social media pages.*

**[www.nlgmltf.org](http://www.nlgmltf.org) | [facebook.com/nlgmltf](https://facebook.com/nlgmltf)**

**HOW TO DONATE:** Your donations help with the ongoing work of the Military Law Task Force in providing information, support, legal assistance and resources to lawyers, legal workers, GLs and veterans.

**SNAIL MAIL:** Send a check or money order to MLTF, 730 N. First Street, San Jose, CA 95112

**ONLINE:** Visit [nlgmtf.org/support](http://nlgmtf.org/support) to make a one-time or a recurring donation.

Thank you!